

1 SCOTT N. SCHOOLS (SCBN 9990)  
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)  
Chief, Criminal Division

3 DENISE MARIE BARTON (MABN 634052)  
4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
6 Telephone: (415) 436-7359  
7 Facsimile: (415) 436-7234

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 ARMANDO GIL-TSUN, )

16 Defendant. )  
17 )  
18 )

No. 07-70076 MEJ

~~PROPOSED~~ ORDER AND STIPULATION  
EXCLUDING TIME FROM FEBRUARY 15,  
2007 TO MARCH 19, 2007 FROM THE  
SPEEDY TRIAL ACT CALCULATION (18  
U.S.C. § 3161(h)(8)(A))

19 On February 7, 2007, the Honorable Maria Elena James issued a Complaint charging the  
20 Defendant with a violation of Title 8, Section 1326 and on February 9, 2007, the Defendant was  
21 arraigned on that Complaint. On February 15, 2007, the Defendant waived a detention hearing  
22 without prejudice and the matter was set for a Preliminary Hearing on February 26, 2007.

23 On February 14 and 15, 2007, counsel for the Government served counsel for the Defendant  
24 with discovery in this matter. Counsel for the Government and Defendant are currently  
25 discussing a pre-indictment resolution of this case. Further, counsel for the Defendant does not  
26 believe it is in his client's best interests for the government to indict the case within 30 days of  
27 arrest on the Complaint, as required under 18 U.S.C. § 3161(b).

28 Accordingly, the parties have agreed as follows:

1. The Defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to

STIPULATION AND ORDER  
07-70076 MEJ

**FILED**

FEB 23 2007

**E-Filing**  
RICHARD W. DEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 grant the requested continuance would unreasonably deny both Government and Defense counsel  
2 reasonable time necessary for effective preparation, taking into account the exercise of due  
3 diligence, the need for both sides to investigate the facts of the case, and the on-going attempts to  
4 reach a pre-indictment disposition.

5 3. Given these circumstances, parties agree and the Court should find that the ends of  
6 justice served by excluding the period from February 15, 2007 to March 19, 2007 outweigh the  
7 best interest of the public and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

8 IT IS SO STIPULATED.

9 DATED: February 22, 2007

10 /s/  
DENISE MARIE BARTON  
Assistant United States Attorney

11  
12 DATED: February 22, 2007

13 /s/  
STEVEN J. KOENINGER  
Attorney for ARMANDO GIL-TSUN

14 IT IS SO ORDERED.

15 Pursuant to the parties' Stipulation and for the reasons set forth above, the time from  
16 February 15, 2007 to March 19, 2007 shall be excluded from the Speedy Trial Act calculations.

17  
18 DATED: 2-23-07

19 [Signature]  
THE HON. MARIA ELENA JAMES  
United States Magistrate Judge